

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

THOMAS ROBINS, individually and
on behalf of all others similarly
situated,

Plaintiff-Appellant,

v.

SPOKEO, INC.,

Defendant-Appellee.

Case No. 11-56843

Appeal from the U.S. District
Court for the Central District
of California,

No. 10-cv-05306

Hon. Otis D. Wright, II

**PLAINTIFF-APPELLANT'S MOTION
FOR SUPPLEMENTAL BRIEFING**

Plaintiff-Appellant Thomas Robins respectfully requests that this Court enter an order allowing the parties to submit supplemental briefing following the Supreme Court's vacatur and remand of this Court's prior opinion in this case. In further support, Mr. Robins states as follows:

1. Thomas Robins appealed the dismissal of a complaint he filed against Defendant-Appellee Spokeo, Inc. in the Central District of California for lack of Article III standing. This Court reversed that dismissal in an opinion dated February 4, 2014. *See Robins v. Spokeo*,

Inc., 742 F.3d 409 (9th Cir. 2014). Spokeo sought—and the Supreme Court granted—review of this Court’s decision.

2. On May 16, 2016, the Supreme Court vacated this Court’s decision, holding that this Court’s analysis into whether Mr. Robins sufficiently alleged an Article III injury “was incomplete” because “[it] did not address ... whether the particular procedural violations alleged in this case entail a degree of risk sufficient to meet the concreteness requirement.” *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1550 (2016). The Court made clear, however, that it took “no position as to whether the Ninth Circuit’s ultimate conclusion—that Robins adequately alleged an injury in fact—was correct.” *Id.* at 1550. Instead, the Supreme Court remanded this case to this Court to reconsider its decision. *See id.* at 1545; *id.* at 1550 n.8.

3. To aid this Court’s analysis of the Article III question that the Supreme Court has remanded to it, Mr. Robins respectfully requests that the Court allow the parties to submit short, simultaneous, supplemental briefs.

4. Pursuant to the Circuit Advisory Committee Note to Circuit Rule 27-1, counsel for Mr. Robins conferred with counsel for Spokeo,

who has stated that Spokeo consents to this request for supplemental briefing.

WHEREFORE, Plaintiff-Appellant respectfully requests that this Court enter an order (1) allowing the parties, within twenty-days of this Court's order, to submit simultaneous briefs not to exceed 7,000 words, (2) allowing the parties, within fourteen days thereafter, to submit simultaneous responses not to exceed 3,500 words, (3) setting oral argument at a time and place convenient for this Court, and (4) for such further relief as the Court deems just and proper.

Dated: June 6, 2016

Respectfully submitted,

THOMAS ROBINS,

By: s/ William S. Consovoy

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CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2016, I electronically filed the foregoing with the Clerk of the Court of the United States Court of Appeals for the Ninth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ William S. Consovoy
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